



Empowered lives.
Resilient nations.

Date: 4 August 2016

INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

for individual consultants and individual consultants assigned by consulting firms/institutions

Country:	Viet Nam
Description of the assignment:	01 National Legal Consultant on Policy Impact Assessment for the Implementation of the Paris Agreement and the (Intended) Nationally Determined Contributions ((I)NDC)
Project name:	United Nations Framework Convention on Climate Change (UNFCCC)
Period of assignment/services (if applicable):	August – October 2016

1. Submissions should be sent by email to: huynh.huong.thanh@undp.org no later than: **31 August 2016 (Hanoi time)**.

With subject line: National Legal Consultant on Policy Impact Assessment for the Implementation of the Paris Agreement and the (Intended) Nationally Determined Contributions ((I)NDC)

Submission received after that date or submission not in conformity with the requirements specified this document will not be considered.

Note:

- Any individual employed by a company or institution who would like to submit an offer in response to this Procurement Notice must do so in their individual capacity, even if they expect their employers to sign a contract with UNDP.
 - Maximum size per email is **7 MB**.
 - Any request for clarification must be sent in writing, or by standard electronic communication to the address or e-mail indicated above. Procurement Unit – UNDP Viet Nam will respond in writing or by standard electronic mail and will send written copies of the response, including an explanation of the query without identifying the source of inquiry, to all consultants.
2. Please find attached the relevant documents:
 - [Terms of Reference \(TOR\)](#) (Annex I)
 - [Individual Contract & General Conditions](#) (Annex II)
 - [Reimbursable Loan Agreement](#) (for a consultant assigned by a firm) (Annex III)
 - [Guidelines for CV preparation](#) (Annex IV)
 - [Format of financial proposal](#) (Annex V)

3. Interested individual consultants must submit the following documents/information **(in English, PDF Format)** to demonstrate their qualifications:

a. Technical component:

- Signed Curriculum vitae
- Copy of 1-3 publications/writing samples on relevant subject.
- Reference contacts of past 4 clients for whom you have rendered preferably the similar service

b. Financial proposal (with your signature):

- The financial proposal shall specify a total lump sum amount in **Vietnam Dong** including consultancy fees and all associated costs i.e. airfares, travel cost, meal, accommodation, tax, insurance etc. – see format of financial offer in Annex VII.
- Please note that the cost of preparing a proposal and of negotiating a contract, including any related travel, is not reimbursable as a direct cost of the assignment.
- If quoted in other currency, prices shall be converted to the above currency at UN Exchange Rate at the submission deadline.

4. Evaluation:

The technical component will be evaluated using the following criteria:

Consultant's experiences/qualification related to the services		
	Criteria	Maximum Points
1	An advanced university degree in law, preferably Master or higher degree	150
2	At least 10 years of relevant work experience in national and international climate change legislation, including research and consultancy experience	250
3	Excellent understanding of the United Nations Framework Convention on Climate Change (UNFCCC), the Kyoto Protocol and the decisions issued by the Conferences of the Parties over the years	200
4	Familiarity with Vietnam's policies and regulations in the area of climate change response, including official documents issued in the context of UNFCCC and Kyoto Protocol implementation	250
5	Excellent written and oral English language skills	150
	TOTAL	1000

A two-stage procedure is utilized in evaluating the submissions, with evaluation of the technical components being completed prior to any price proposals being opened and compared. The price proposal will be opened only for submissions that passed the minimum technical score of 70% of the obtainable score of 1000 points in the evaluation of the technical component.

The technical component is evaluated on the basis of its responsiveness to the Term of Reference (TOR).

Maximum 1000 points will be given to the lowest offer and the other financial proposals will receive the points inversely proportional to their financial offers. i.e. $S_f = 1000 \times F_m / F$, in which S_f is the financial score, F_m is the lowest price and F the price of the submission under consideration.

The weight of technical points is 70% and financial points is 30%.

Submission obtaining the highest weighted points (technical points + financial points) will be selected.

Interview with the candidates may be held if deemed necessary.

5. Contract

“Lump-sum” Individual Contract will be applied for freelance consultant (Annex II)

“Lump-sum” RLA will be applied for consultant assigned by firm/institution/organization (Annex III)

Documents required before contract signing:

- Personal History
- International consultant whose work involves travel is required to complete the course on Basic Security in the Field and submit certificate to UNDP before contract issuance.

Note: The Basic Security in the Field Certificate can be obtained from website: <https://training.dss.un.org/consultants>. The training course takes around 3-4 hours to complete. The certificate is valid for 3 years.
- Full medical examination and Statement of Fitness to work for consultants from and above 62 years of age and involve travel. (This is not a requirement for RLA contracts).
- Release letter in case the selected consultant is government official.

6. Payment

UNDP shall effect payments to the consultant (by bank transfer to the consultant’s bank account provided in the vendor form (Annex V) upon acceptance by UNDP of the deliverables specified the TOR.

- 50% of contract amount shall be paid upon submission of the first draft reports and accepted by UNDP and DLA
- 50% of contract amount shall be paid upon submission of the final report and satisfactory completion of the assignment and upon approval of the achieved outputs by the UNDP and DLA

If two currencies exist, UNDP exchange rate will be applied at the day UNDP instructs the bank to effect the payment.

7. Your proposals are received on the basis that you fully understand and accept these terms and conditions.
8. Notification of selection result: UNDP will contact only successful bidder for contracting.



Empowered lives.
Resilient nations.

TERMS OF REFERENCE

TITLE: National Legal Consultant on Policy Impact Assessment for the Implementation of the Paris Agreement and the (Intended) Nationally Determined Contributions ((I)NDC)

COUNTRY OF ASSIGNMENT: Viet Nam

1) GENERAL BACKGROUND

Under the umbrella of the United Nations Framework Convention on Climate Change (UNFCCC) the 21st Conference of the Parties (COP 21) adopted the Paris Agreement on 12th December 2015. Although holding on to the principle of common but differentiated responsibilities and respective capabilities, the Paris Agreement establishes obligations for developed and developing countries. The different mechanisms and instruments established relate to mitigation, adaptation, loss and damage, finance, technology development and transfer, capacity building, transparency, and compliance. While some of them are mandatory for the countries, others are of facultative nature. Many of mechanisms and instruments need the development of modalities and further guidance for implementation. Since it opened for signature on 22nd April 2016, already 178 countries signed the Paris Agreement – among them Vietnam. The next step is the ratification of the Paris Agreement and the deposition of the instrument of ratification with the depositary.

For Vietnam the Paris Agreement creates opportunities such as access to more financial support and advanced technologies, but also poses challenges especially in regard to mitigation activities and provision of transparency. Building on existing – soft – obligations, the Paris Agreement intensifies requirements in regard to greenhouse gas emission reductions as well as measuring, reporting and verification. Implementing the Paris Agreement will require joint efforts from various sectors, public and private stakeholders, and different levels of administration. Therefore, guiding implementation needs to be informed and consistent. That requires creating consensus between the policy makers about the impacts of the Paris Agreement on Vietnam and the implementation needs.

The Ministry of Natural Resources and Environment (MONRE) is the state management agency responsible to oversee and manage national climate change response and has been assigned by the Government of Vietnam to function as the focal point for the participation in and implementation of the UNFCCC and now the Paris Agreement. Under MONRE the Department of Meteorology, Hydrology and Climate Change (DMHCC) will coordinate the ratification and implementation of the Paris Agreement. According to the Law on Treaties from 2016, ratification by the Government of Vietnam requires the submission of an implementation plan and of an impact assessment in regard to socio-economic and regulatory aspects.

Currently, DMHCC is preparing for the ratification of the Paris Agreement and is working on an action plan for implementation in cooperation with international partners. To support this process and to provide the necessary background for informed decision-making, DLA will issue a regulatory impact assessment report identifying new or amended obligations and necessary changes to policies and regulations to implement the Paris Agreement and to consult with DMHCC on the activities to be included into the action plan.

2) OBJECTIVES OF THE ASSIGNMENT

The objective of the assignment is to carry out a policy impacts assessment of the implementation of the Paris Agreement and the (I)NDC. The implementation of the Paris Agreement is in effect the implementation of the Viet Nam (I)NDC which cover all aspects of mitigation, adaptation, and means of implementation.

3) SCOPE OF WORK AND ACTIVITIES

The consultant will perform the following tasks:

- Identification and review of the relevant existing policies and regulations that relate to the activities planned to implement the Paris Agreement and the (I)NDC
- Analysis of the existing policies and regulations to assess their sufficiency to shape the activities to implement the Paris Agreement and the (I)NDC
- Development of mechanisms and instruments as a framework for the implementation activities and consultation with DLA and DMHCC on feasible options

The regulatory impact assessment to be conducted for the implementation activities for the Paris Agreement will relate to the following topics:

1. Mitigation

- Obligation to prepare, communicate and maintain successive (I)NDC
- Obligation to pursue domestic mitigation measures
- Advice to formulate and communicate long-term low greenhouse gas emission development strategies
- Advice to implement the (I)NDC
- Encouragement to implement REDD-plus
- Voluntary engagement in cooperative approaches using internationally transferred mitigation outcomes
- Voluntary use of the sustainable development mechanism

2. Adaptation

- Obligation to engage in adaptation planning processes
- Obligation to implement adaptation actions
- Advice to submit and update periodically an adaptation communication
- Advice to implement the (I)NDC
- Advice to enhance understanding, action and support through the Warsaw International Mechanism for Loss and Damage on a cooperative and facilitative basis

3. Technical and Financial Support

- Aim to make finance flows consistent with a pathway towards low greenhouse gas emissions and climate resilient development
- Financial Mechanism of the Convention
- Technology Mechanism of the Convention
- Advice to cooperate to enhance capacity
- Advice to regularly communicate progress made on implementing capacity-building plans, policies, actions or measures

4. Transparency

- Obligation to regularly provide a national inventory report
- Obligation to regularly provide the information necessary to track progress implementing and achieving the (I)NDC
- Advice to provide information related to climate change impacts and adaptation
- Advice to provide information on financial, technology transfer and capacity-building support needed and received

4) DURATION OF ASSIGNMENT, DUTY STATION AND EXPECTED PLACES OF TRAVEL

In total, the assignment is estimated to be 20 working days spread over the period of July -September 2016. The work can be done from home base. Travel to Ha Noi to attend consultation workshop may be required and will be funded separately based on UN-EU Cost Norms.

5) FINAL PRODUCTS

Expected output is a regulatory impact assessment report that can be brought together with the socio-economic impact assessment report and supports the action plan to implement the Paris Agreement and the (I)NDC developed by DMHCC to prepare for ratification.

The regulatory impact assessment report shall:

- Include list all potential impacts of the Paris Agreement and the (I)NDC
- Point to gaps and shortcomings in Vietnamese policies
- Include list the Vietnamese policies that need to be revised or newly adopted
- Recommend options for the revision or adoption of policies

The work plan including the tasks and the time frame shall be developed in consultation with the Department of Legal Affairs, MONRE (DLA) and UNDP.

The national consultant will submit working drafts to UNDP and DLA as input and for comments before finalizing the report for submission.

The consultant shall deliver to UNDP and DLA all draft and final documents and supporting research material and shall consult with DLA on the assessment of the regulatory impacts of the action plan to implement the Paris Agreement and mechanisms and instruments to handle the coming tasks.

6) PROVISION OF MONITORING AND PROGRESS CONTROLS

The overall process will be managed by the Policy Advisory Team and the Sustainable Development in UNDP and the Department of Legal Affairs in MONRE.

7) DEGREE OF EXPERTISE AND QUALIFICATIONS

The national consultant should have the following qualifications:

- An advanced university degree in law, preferably Master or higher degree
- At least 10 years of relevant work experience in national and international climate change legislation, including research and consultancy experience
- Excellent understanding of the United Nations Framework Convention on Climate Change (UNFCCC), the Kyoto Protocol and the decisions issued by the Conferences of the Parties over the years
- Familiarity with Vietnam’s policies and regulations in the area of climate change response, including official documents issued in the context of UNFCCC and Kyoto Protocol implementation
- Capacity to develop regulatory options to frame the implementation of the Paris Agreement and the (I)NDC, including legal mechanisms and instruments
- Excellent written and oral English language skills

8) ADMIN SUPPORT AND REFERENCE DOCUMENTS

Administrative support will be provided by UNDP-VN if needed. Copies of relevant documents and reports will be made available to the consultant upon commencement of the assignment.

9) REVIEW TIME REQUIRED AND PAYMENT TERM

Payment will be made in two instalments:

- First payment of 50% of the contract will be made upon submission of the first draft reports and accepted by UNDP and DLA
- Last payment of 50% of the contract will be paid upon submission of the final report and satisfactory completion of the assignment and upon approval of the achieved outputs by the UNDP and DLA

10) CONSULTANT PRESENCE REQUIRED ON DUTY STATION/UNDP PREMISES

X NONE PARTIAL INTERMITTENT FULL-TIME

Annex VI: GUIDELINES FOR PREPARING CV

WE REQUEST THAT YOU USE THE FOLLOWING CHECKLIST WHEN PREPARING YOUR CV:

Limit the CV to 3 or 4 pages

NAME (First, Middle Initial, Family Name)

Address:

City, Region/State, Province, Postal Code

Country:

Telephone, Facsimile and other numbers

Internet Address:

Sex, Date of Birth, Nationality, Other Citizenship, Marital Status

Company associated with (if applicable, include company name, contact person and phone number)

SUMMARY OF EXPERTISE

Field(s) of expertise (be as specific as possible)

Particular development competencies-thematic (e.g. Women in Development, NGOs, Privatization, Sustainable Development) or technical (e.g. project design/evaluation)

Credentials/education/training, relevant to the expertise

LANGUAGES

Mother Tongue:

Indicate written and verbal proficiency of your English:

SUMMARY OF RELEVANT WORK EXPERIENCE

Provide an overview of work history in reverse chronological order. Provide dates, your function/title, the area of work and the major accomplishments include honorarium/salary. References (name and contact email address) must be provided for each assignment undertaken by the consultant that UNDP may contact.

UN SYSTEM EXPERIENCE

If applicable, provide details of work done for the UN System including WB. Provide names and email address of UN staff who were your main contacts. Include honorarium/salary.

UNIVERSITY DEGREES

List the degree(s) and major area of study. Indicate the date (in reverse chronological order) and the name of the institution where the degree was obtained.

PUBLICATIONS

Provide total number of Publications and list the titles of 5 major publications (if any)

MISCELLANEOUS

Indicate the minimum and maximum time you would be available for consultancies and any other factors, including impediments or restrictions that should be taken into account in connection with your work with this assignment.

Please ensure the following statement is included in the resume and that it is signed and dated:

I CERTIFY THAT ALL INFORMATION STATED IN THIS RESUME IS TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE. I AUTHORIZE UNDP/UNOPS OR ITS AGENT TO VERIFY THE INFORMATION PROVIDED IN THIS RESUME.

(Signature)

Annex VII

FINANCIAL OFFER

Having examined the Solicitation Documents, I, the undersigned, offer to provide all the services in the TOR for the sum of VND

This is a lump sum offer covering all associated costs for the required service (fee, meal, accommodation, travel, taxes etc).

Cost breakdown:

No.	Description	Number of days	Rate (VND)	Total
1	Consultancy fee			
2	Out of pocket expenses			
2.1	Travel			
2.2	Per diem			
2.3	Full medical examination and Statement of Fitness to work for consultants from and above 62 years of age and involve travel – (required before issuing contract). *			
2.5	Others (pls. specify).....			
	TOTAL			

** Individual Consultants/Contractors who are over 62 years of age with assignments that require travel and are required, at their own cost, to undergo a full medical examination including x-rays and obtaining medical clearance from **an UN-approved doctor** prior to taking up their assignment.*

I undertake, if my proposal is accepted, to commence and complete delivery of all services specified in the contract within the time frame stipulated.

I agree to abide by this proposal for a period of 120 days from the submission deadline of the proposals.

Dated this day /month of year

Signature